

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Oxbow Solar Professionals, Inc.,  
*d/b/a Oxbow Sunworks,*

File No. 20-cv-567 (ECT/DTS)

Plaintiff,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

Borrego Solar Systems, Inc.; Joan M. Wolf,  
Dianne W. Redman, and Gary A. Wolf, as  
Co-Trustees for the Trust Created Under the  
Last Will and Testament of Roman C. Wolf;  
Clara City Solar, LLC; Brayden D. Wagner,  
as Trustee for the Brayden C. Wagner  
Revocable Living Trust; Olinda Trail Solar,  
LLC; Ag-Grow, Inc.; Freeport State Bank;  
New Munich Solar, LLC; ABC Corporation,  
Mary Roe; Joan M. Bredeck, as Trustee for  
the Joan Marie Bredeck Revocable Trust;  
Stearns Solar I LLC; Morgan Charles  
Thomas Southard; MN Solar Gardens LLC;  
Northern States Power Company; Stearns  
County Regional Rail Authority; and  
Stearns County,

Defendants.

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Magistrate Judge David T. Schultz issued a Report and Recommendation on December 15, 2021. ECF No. 73. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 73] is **ACCEPTED**;
2. Plaintiff Oxbow Solar Professionals, Inc.'s action against Borrego Solar Systems, Inc., et al. is **DISMISSED WITHOUT PREJUDICE** in its entirety pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 4, 2022

s/ Eric C. Tostrud

Eric C. Tostrud  
United States District Court